

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 10, 2004. Claims 1-10 remain pending in this application. Claims 1 and 7 are the independent claims. Favorable reconsideration is respectfully requested.

On the merits, the Office Action rejected Claims 1-10 under 35 USC § 103(a) as being anticipated by Giannini (U.S. Patent No. 4,860,354; hereinafter "Giannini") in view of Sato (U.S. Patent No. 4,539,700; hereinafter "Sato"). Applicants respectfully submit that the pending application and claims are patentable for at least the following reasons.

As stated in the Office Action, Giannini fails to recite or suggest a connection through a material fabric of the wearable garment to couple the device and the activator. Giannini recites the components of the sound generating mounted entirely within the suit 10 (see, e.g., Col. 3, lines 52-68). The Office Action argues that headphone (34, 36, 38, 40) of Giannini constitutes a removable signaling device. Applicants respectfully disagree with this assertion. First, a headphone is not a signaling device because it does not signal to any other source but is feedback exclusively to its wearer. Second, a headphone is not a signaling device because it cannot assist a wearer in signaling for help. Third, a

headphone is not a signaling device because it is not analogous to the examples of Applicants' specification such as a personal alarm or cellular phone. Thus Giannini also fails to recite or suggest a removable signaling device.

Sato fails to compensate for that which Giannini lacks. Sato fails to recite or suggest a connection through a material fabric of the wearable garment to couple the device (e.g., Sato's tape recorder 5) and the activator (e.g., the controls atop tape recorder 5). Sato only shows a connection between tape recorder 5 and speakers 41, 42. In addition, Sato cannot be properly combined with Giannini, because Sato's connection means 101 connects a device, i.e., tape recorder 5, with its own activator located on the tape recorder 5, to passive speakers 41 with which a wearer cannot interact. The components of Sato would appear irrelevant to one of ordinary skill in the art at the time of the invention, for at least the reason that the switch/activator of Sato is not positioned in an easily accessible position on a garment. Thus, one of ordinary skill at the time of the invention would fail to recognize the benefit of combining Sato and Giannini. Further, the combination of Gianni and Sato fail to recite or suggest all the claimed limitations of Applicants' Claim 1.

Claim 1 is believed patentable over Giannini in view of Sato for at least these reasons.

Claim 7 recites a method substantially corresponding to the portable signal activator of Claim 1 and is believed patentable for at least the same reasons.

Claims 2-6 and 8-10 depend from one or another of the independent claims discussed above and are believed patentable for at least the same reasons. In addition, however, it is also deemed to define an additional aspect of the invention, and should be individually considered on its own merits.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the currently-pending claims are clearly patentably distinguishable over the cited and applied references. Accordingly, entry of this amendment, reconsideration of the rejections of the claims over the references cited, and allowance of this application is earnestly solicited. Please charge any additional fees which may now or in the future be required in this application, including extension of time fees and fees for claims added upon amendment, but excluding the issue fee unless explicitly requested to do so, and credit any overpayment, to Deposit Account No. 14-1270.

Respectfully submitted,

By 

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